FILE COPY

Supreme Court, U. S.
FILED
APR 16 1973
MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of The United States

October Term, 1972

No. 72-1091

GEORGE S. HEITZLER, JR.,
Petitioner,

v.

THE HONORABLES C. WILLIAM O'NEILL,
Chief Justice, et als.,
Respondents.

SUPPLEMENTAL MEMORANDUM

STANLEY E. PREISER
PREISER & WILSON
1012 Kanawha Boulevard, East
Post Office Box 2506
Charleston, West Virginia 25329
Telephone: 304/344-9651
Counsel for Petitioner

IN THE

Supreme Court Of The United States

October Term, 1972

No. 72-1091

GEORGE S. HEITZLER, JR.,
Petitioner,

v.

THE HONORABLES C. WILLIAM O'NEILL,
Chief Justice, et als.,
Respondents.

WITHDRAWAL OF RELIANCE UPON *LYNCH v. SNEPP*, 350 F. SUPP. 1134 (W. D., N. C. CHAR. DIV. 1972)

In Petitioner's Reply Memorandum and Supplemental Appendix to the Petition for a Writ of Certiorari to the United States Court of Appeals for the 6th Circuit, filed in your office March 24, 1973, reliance was placed upon *Lynch* v. *Snepp*, 350 F. Supp. 1134 (W. D., N. C., Char. Div. 1972).

Receipt in today's mail of Volume 472, F. 2d No. 2, April 2, 1973, pp. 513-1072, discloses that *Lynch* v. *Snepp*, 472 F. 2d 769 (4th Cir. 1973) has been reversed.

Therefore, that sentence of the Reply Memorandum in which reliance upon *Lynch* v. *Snepp* is placed is respectfully withdrawn.

Respectfully submitted:

Stanley E. Preiser

STANLEY E. PREISER
PREISER & WILSON
1012 Kanawha Boulevard, East
Post Office Box 2506
Charleston, West Virginia 25329
Telephone: 304/344-9651
Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I served three true and correct copies of the foregoing Supplemental Memorandum upon Victor E. DeMarco, Esquire, Jones, Day, Cockley & Reavis, 1750 Union Commerce Building, Cleveland, Ohio 44115, Attorneys for Respondent, and upon the Honorable Frank J. Battisti, Chief Judge of the United States District Court for the Northern District of Ohio, at Cleveland, United States Court House, Cleveland, Ohio 44114, and upon the Solicitor General, Department of Justice, Washington, D. C. 20530, by depositing same in the United States mail, postage prepaid, air mail, this 14th day of April, 1973.

Stanley E. Preiser

STANLEY E. PREISER
Of Counsel for Petitioner